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| 09/416,278 | 10/14/1999 | BRADLEY S. TEMPLETON | 21892-03950 | 5956 |

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| EXAMINER |
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VAN DOREN, BETH

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| ART UNIT | PAPER NUMBER |
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3623

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/416,278

Applicant(s)

TEMPLETON, BRADLEY S.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 28-49 and 53-69 is/are pending in the application.
- 4a) Of the above claim(s) 60, 61, 66 and 67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 28-49, 53-59, 62-65, 68-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/17/04 has been entered.
2. The following is a non-final office action in response to the request for continued examination received on 02/17/04. Claims 1, 9, 28, 32, and 53 have been amended. Claims 54-69 have been added. Claims 1-16, 28-49, and 53-69 are now pending in this Application.

Election/Restriction

3. Newly submitted claims 60, 61, 66, and 67 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 60, 61, 66, and 67 are attempting to create a combination of Group I and II from the restriction requirement of paper number 7. Claims 60, 61, 66, and 67 are directed to the subject matter of restricted claims 17-27, which dealt with prioritizing requesters and establishing requestors' relationships to the target for priority reasons. As with claims 17-27, claims 60, 61, 66, and 67 are related to a subcombination useable together with claims 1-16, 28-49, 53-59, 62-65, and 68-69.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 64 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 64 recites “a display showing an ID of a requesting user who has requested a meeting with the owning user and an availability status of the requesting user, the availability status sent by the requesting user” and “a display showing an ID of a target user with whom the owning user has requested a meeting, the availability status of a requesting user sent by the requesting user”. It is unclear as to what is occurring in this claim or how the limitations interrelate. The first limitation suggests that a requesting user has requested a meeting with an owning user. The second limitation suggests that the owning user has requested a meeting a target user, and that the availability of a requesting user is sent. Therefore, there is no coherent link between these two limitations. Clarification is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 17-27, 49, and 53-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Vardi et al. (U.S. 6,389,127).

6. As per claim 1, Vardi et al. discloses a computer-implemented method for the intermediation of real time meetings, comprising:

Receiving an indication by a requester system that a requester wants to request a real time meeting with a target (See column 1, lines 53-56 and column 5, lines 22-31, which disclose a user at a request server wanting to request a real time meeting with a target);

Sending to the target a request to conduct a real time meeting (See column 5, line 67, column 6, lines 1-5, 6-13, and 26-32, and column 7, lines 50-59, which discloses the request server sending to the target a request);

After sending the request, sending by the requester system an availability status of the requester (See at least column 2, lines 65-67, column 3, lines 1-9, 15-28, and 40-45, column 7, lines 25-30 and 49-67, and column 8, lines 1-6, wherein after the requester send the request, the status of the requester is also sent by the requester system to the system);

Queuing the request by the requester system (See column 5, lines 41-43 and 62-63, column 6, lines 6-12, and column 7, 39-44 and 57-64, wherein the request of the requestor is held and considered pending until the requested parties are available for the requested meeting to occur. The request of the requester does not reach the target until he is available to view the request); and

Connecting the requester and the target when the requester and the target are mutually available (See column 7, lines 39-48 and 53-67, which discuss the connecting of calls).

Vardi et al. discloses a system that allows a requester using a requestor system to send a request for a conference to the system of a target and determine the availability of the target. A “middle man” has availability information concerning both the requester and the target. If the target is not currently available, the request of the requester waits for the target to become available and then the request is dealt with. When both the requester and the target are available, the parties are connected and the conference occurs.

7. As per claim 2, Vardi et al. discloses a method that further comprises dequeuing the request when the real time meeting successfully completes (See column 6, lines 9-12 and column 7, lines 39-43, wherein when the request for conference completes, the parties’ status once again reflects availability and the previously pending request is then nonexistent).

8. As per claim 3, Vardi et al. discloses a method wherein a system of the target is polled to determine the target’s availability (See column 5, lines 22-25 and 67 and column 6, lines 1, 9-12, and 26-32, wherein the target is polled via a status acquirer to determine the availability of the target).

9. As per claim 4, Vardi et al. discloses a method wherein the system of the target sends the target’s availability status to the requester (See column 6, lines 9-12, 26-32, and 54-59, and column 7, lines 39-43 and 49-67, wherein the target’s availability is sent to the requester via the request server and the status acquirer).

10. As per claim 5, Vardi et al. discloses a method wherein a system of the requester is polled to determine the requester’s availability (See column 5, 66-67, column 6, lines 1, 6-10, and 54-

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59, column 7, lines 49-67, and column 8, lines 1-6 wherein the target initiates a request for the status of the requester and the process repeats itself in the opposite manner. See specifically column 8, lines 3-6).

11. As per claim 6, Vardi et al. discloses a method wherein a system of the requester sends the requester's availability status to the target (See column 5, 66-67, column 6, lines 1, 6-10, and 54-59, column 7, lines 39-43 and 49-67, and column 8, lines 1-6, wherein the target initiates a request for the status of the requester and the process repeats itself in the opposite manner, the status of the requester being delivered to the target. See specifically column 8, lines 3-6).

12. As per claim 7, Vardi et al. discloses a method wherein mutual availability is determined by checking the availability of the requester and the target (See column 7, lines 39-43, 49-64, and 65-67, and column 8, 1-6, which discloses the callback function, wherein the requester requests a conference with the target and upon his/her availability, the target subsequently requests from the requester a real time meeting. See specifically column 8, lines 3-6. The process repeats until both parties are available for the real time meeting at which point the meeting initiates).

13. As per claim 8, Vardi et al. discloses a method wherein the request is sent to a plurality of targets and mutual availability is determined when the requester and a quorum of the targets are available (See column 7, lines 49-64, wherein the conference call is initiated when the requester and the people currently available on the request for a conference call are ready).

14. As per claim 9, Vardi et al. discloses a computer-implemented method for the intermediation of real time meetings, comprising:

Receiving, by a target system from a requester system, an indication that a requester wants to request a real time meeting with a target (See column 1, lines 53-56, column 5, lines 22-31, lines 1-9, column 7, lines 39-48, and column 8, lines 1-6, which disclose the requester system indicating through a request sent to the target system that a user of the requester system desires a real time meeting. See also column 5, line 67, and column 6, lines 1-9, which explains the request server associated with the request system sending a request to the status acquirer associated with the target system);

Queuing the request by the target system (See column 5, lines 41-43 and 62-63, column 6, lines 6-12, and column 7, 39-44 and 57-64, wherein the request of the requestor is held and considered pending until the requested parties are available for the requested meeting to occur. The request of the requester does not reach the target until he is available to view the request);

Receiving, by the target, an availability status of the requester (See at least column 2, lines 65-67, column 3, lines 1-9, 15-28, and 40-45, column 7, lines 25-30 and 49-67, and column 8, lines 1-6, wherein the status of the requester is sent by the requester system to the target); and

Connecting the requester and the target when the requester and the target are mutually available (See column 7, lines 39-48, 51-55, and 59-65, and column 8, lines 1-6, wherein initiation of a real time meeting/conference between available parties is disclosed).

15. As per claim 10, Vardi et al. discloses a method further comprising dequeuing the request when the real time meeting successfully completes (See column 6, lines 9-12 and column 7, lines 39-43, wherein when the request for conference completes, the parties' status once again reflects availability and the previously pending request is then nonexistent).

16. As per claim 11, Vardi et al. further discloses a method wherein a system of the target is polled to determine the target's availability (See column 5, lines 22-25 and 67 and column 6, lines 1, 9-12, and 26-32, wherein the target is polled via a status acquirer to determine the availability of the target).

17. As per claim 12, Vardi et al. further discloses a method wherein the system of the target sends the target's availability status to the requester (See column 6, lines 9-12, 26-32, and 54-59, and column 7, lines 39-43 and 49-67, wherein the target's availability is sent to the requester via the request server and the status acquirer).

18. As per claim 13, Vardi et al. further discloses a method wherein the system of the requester is polled to determine the requester's availability (See column 5, 66-67, column 6, lines 1, 6-10, and 54-59, column 7, lines 49-67, and column 8, lines 1-6 wherein the target initiates a request for the status of the requester and the process repeats itself in the opposite manner. See specifically column 8, lines 3-6).

19. As per claim 14, Vardi et al. further discloses a method wherein the system of the requester send the requester's availability status to the target (See column 5, 66-67, column 6, lines 1, 6-10, and 54-59, column 7, lines 39-43 and 49-67, and column 8, lines 1-6, wherein the target initiates a request for the status of the requester and the process repeats itself in the opposite manner, the status of the requester being delivered to the target. See specifically column 8, lines 3-6).

20. As per claim 15, Vardi et al. discloses a method wherein mutual availability is determined by checking the availability of the requester and the target (See column 7, lines 39-43, 49-64, and 65-67, and column 8, 1-6, which discloses the callback function, wherein the

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requester requests a conference with the target and upon his/her availability, the target subsequently requests from the requester a real time meeting. See specifically column 8, lines 3-6. The process repeats until both parties are available for the real time meeting at which point the meeting initiates).

21. As per claim 16, Vardi et al. further teaches a method wherein a request is sent to a plurality of targets and mutual availability is determined when the requester and a quorum of the targets are available (See column 7, lines 49-64, wherein the conference call is initiated when the requester and the people currently available on the request for a conference call are ready).

22. As per claim 28, Vardi et al. teaches a computer-implemented method for the intermediation of real time meetings, comprising:

receiving an indication that a requestor party wants to request a real time meeting with one or more target parties (See column 5, lines 22-38 and 62-63, and column 6, lines 6-8, which discloses the systems of the target parties receiving indications that the requestor party wants to arrange a real time meeting);

receiving information indicating the availability of the requester party and one or more target parties to participate in the real time meeting, the information sent by the respective party and indicating a desire of a human being to take part in a meeting (See column 5, lines 62-63, column 6, lines 6-9, and column 7, lines 39-48, 49-52, and 57-65, wherein information is requested and received concerning the availability of a requester and the availability of target parties. See column 6, lines 9-12 and 26-32, and column 7, lines 26-31, which discuss different types of availability);

determining that the requester party and one or more target parties are mutually available to participate in the real time meeting, in response to the received information (See column 7, lines 39-48, 49-52, and 57-65, wherein it is determined whether the parties are mutually available. See column 6, lines 9-12 and 26-32, and column 7, lines 26-31, which disclose ways of measuring availability); and

responsive to the determination that the requester party and one or more target parties are mutually available to participate in the real time meeting, initiating the real time meeting (See column 7, lines 39-48, 49-52, and 57-65, wherein the real time meeting is initiated when all parties are available).

23. As per claim 29, Vardi et al. discloses a computer-implemented method wherein the initiating further comprises informing the requester party and one or more target parties that they should initiate communication (See column 7, lines 39-47 and 65-67, and column 8, lines 1-6, wherein a request for conference/real time meeting is accompanied with a request to initiate communication with the requester. The requester has the ability to either initiate the meeting when the requester receives status information about the target or the request can be delivered with information about the status of the requester (available, not available for meeting) and request the target to initiate the contact).

24. As per claim 30, Vardi et al. teaches a computer-implemented method wherein the initiating further comprises requesting the requestor party and one or more target parties to open a connection (See column 7, lines 39-47 and 49-67, and column 8, lines 1-6, wherein the request informs parties to open connections in order to participate in the conference/real time meeting).

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25. As per claim 31, Vardi et al. teaches a computer-implemented method wherein the availability of the requestor party and one or more target parties is determined by checking at least one of: start or end of a call, other use of a phone, recent activity at the computer input devices, conversation near a microphone, lights turned on/off, weight in chair or on floor, motion sensor, opening/closing of door, spoken commands, computer keyboard/mouse based commands, touchtone commands, and scheduled periods of availability (See column 6, lines 9-12, 26-32, and column 7, lines 26-31, wherein different ways to determine a party's availability are disclosed).

26. As per claim 32, Vardi et al. discloses a system for intermediation of real time meetings, comprising:

a requester system for receiving a request from a requester party to initiate a real time meeting with one or more target parties associated with target systems (See column 1, lines 53-56, and column 5, lines 22-31, which disclose a user sending a request to a request server to initiate a real time meeting. See also column 7, lines 49-59, which discloses one or more target parties);

a first server system associated with the requester system, the first server system for determining availability of the requester party and sending the availability of the requester party (See column 5, lines 62-63, column 6, lines 6-9, and column 7, lines 39-48, wherein a status acquirer resides on the system of the requester and determines the availability of the requester. See at least column 2, lines 65-67, column 3, lines 1-9, 15-28, and 40-45, column 7, lines 25-30 and 49-67, and column 8, lines 1-6, wherein the status of the requester is also sent);

a second server system associated with a target system, the second server system for determining availability of one or more target parties and sending the availability of at least one of the target parties (See column 5, lines 62-63, column 6, lines 6-9, and column 7, lines 39-48, wherein a status acquirer resides on the system of the target and determines the availability of the target. See at least column 2, lines 65-67, column 3, lines 1-9, 15-28, and 40-45, column 7, lines 25-30 and 49-67, and column 8, lines 1-6, wherein the availability of at least one of the target parties is sent); and

a deciding agent in communication with the first server system, the second server system, the requester system, and the target system, the deciding agent for recording the request for the real time meeting, for receiving an indication that each the requester party and one or more target parties are available for the real time meeting, for determining whether the requester party and one or more target parties are mutually available for the real time meeting, and for initiating the real time meeting when all parties are mutually available (See column 1, lines 53-58, column 5, lines 62-66, column 7, lines 49-52 and 57-67, and column 8, lines 1-6, wherein a “middleman” decides when the two parties are mutually available, based on their received status information, and initiates a real time meeting/conference between the parties).

27. As per claim 33, Vardi et al. discloses a system wherein each the first server system and the second server system is further adapted to record the request for the real time meeting (See column 7, lines 39-47, wherein the request information is stored on the system of the requester/target user before action takes place).

28. As per claim 35, Vardi et al. teaches a system wherein the deciding agent is further adapted to communicate to the first server system to cease sending an indication that the

requester party is available for the real time meeting (See column 6, lines 9-17, in which the physical status of the user is communicated to the status acquirer, and the status therefore reflects when the user ceases to be available. See also column 6, lines 26-32, and column 7, lines 26-31, which disclose other reason the user may be unavailable. Finally, see column 7, lines 49-65, wherein a mediator decides to conference the calls when all parties are available to meet. This agent would affect the status ascertained during a status check by another requester, and the requestor would consequently be unavailable).

29. As per claim 36, Vardi et al. discloses a system wherein the deciding agent is further adapted to communicate to the second server system to cease sending an indication that the target party is available for a real time meeting (See column 6, lines 9-17, in which the physical status of the user is communicated to the status acquirer, and the status therefore reflects when the user ceases to be available. See also column 6, lines 26-32, and column 7, lines 26-31, which disclose other reason the user may be unavailable. Finally, see column 7, lines 49-65, wherein a mediator decides to conference the calls when all parties are available to meet. This agent would affect the status ascertained during a status check by another requester, and the target would consequently be unavailable).

30. As per claim 37, Vardi et al. teaches a system wherein the deciding agent is further adapted to poll the first server system to determine the availability of the requester party (See column 7, lines 49-65, wherein the status acquirer of the first server system is polled to determine the user's availability).

31. As per claim 38, Vardi et al. teaches wherein the deciding agent is further adapted to poll the second server system to determine the availability of the target party (See column 7, lines 49-

65, wherein the status acquirer of the first server system is polled to determine the user's availability).

32. As per claim 39, Vardi et al. discloses a system wherein the deciding agent is located at the target system (See column 7, lines 39-48, wherein the deciding agent that arranges the meeting and determines the availability of the parties for said meeting is located in the system of the target).

33. As per claim 40, Vardi et al. teaches a system wherein the requester system is further adapted to record the request to conduct the real time meeting (See column 7, lines 39-47, wherein the request information is stored on the system of the requester user before any action or initiation takes place).

34. As per claim 41, Vardi et al. teaches a system wherein the target system is further adapted to reject a request to add one or more target parties to the real time meeting and to communicate the rejection to the deciding agent (See column 6, lines 33-38 and 47-59, wherein the inability for a requester to poll a target is disclosed).

35. As per claim 42, Vardi et al. discloses a system wherein the target system is further adapted to receive an indication that the requester party and one or more target parties are available by monitoring the activity of the requester party and one or more target parties (See column 6, lines 9-12 and 26-32, and column 7, lines 26-31, wherein different ways to determine the availability of the requestor and/or target parties is disclosed).

36. As per claim 43, Vardi et al. discloses a system wherein the real time meeting is conducted using the telephone (See column 1, lines 53-58).

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37. As per claim 44, Vardi et al. teaches a system wherein the real time meeting is conducted using Internet telephony (See column 7, lines 31-34).

38. As per claim 49, Vardi et al. teaches a system further comprising a plurality of requester parties and a plurality of target parties, and wherein the deciding agent initiates the real time meeting when a quorum of the requestor parties and target parties is available (See column 7, lines 49-64, wherein the conference call is initiated when the requesters and the targets currently available for the requested real time meeting/conference call are ready. Finally see column 1, lines 55-56, which discloses multiple requesting parties).

39. As per claim 53, Vardi et al. discloses a computer program product stored on a computer readable medium for intermediation of real time meetings, the computer program product comprising:

program code for receiving an indication that a requester party wants to request a real time meeting with one or more target parties (See column 5, lines 22-38 and 62-63, and column 6, lines 6-8, which discloses the systems of the target parties receiving indications that the requestor party wants to arrange a real time meeting);

program code for receiving information indicating the availability of the requester party and one or more target parties to participate in the real time meeting, the information sent by the respective party and indicating a desire of a human being to take part in a meeting (See column 5, lines 62-63, column 6, lines 6-9, and column 7, lines 39-48, 49-52, and 57-65, wherein information is requested and received concerning the availability of a requester and the availability of target parties. See column 6, lines 9-12 and 26-32, and column 7, lines 26-31, which discuss different types of availability);

program code for determining that the requester party and one or more target parties are mutually available to participate in the real time meeting, in response to the received information (See column 7, lines 39-48, 49-52, and 57-65, wherein it is determined whether the parties are mutually available. See column 6, lines 9-12 and 26-32, and column 7, lines 26-31, which disclose ways of measuring availability); and

program code for initiating the real time meeting, responsive to the determination that the requester party and one or more target parties are mutually available to participate in the real time meeting (See column 7, lines 39-48, 49-52, and 57-65, wherein the real time meeting is initiated when all parties are available).

40. As per claim 54, Vardi et al. teaches a method further comprising displaying the availability status of the requester on the target system, along with an indication that the requester has requested a meeting (See at least column 1, lines 50-67, column 6, lines 5-32, column 7, lines 20-30 and 39-67, wherein the availability status of the requestor is shown to the target system in the server along with an indication that a meeting was requested).

41. As per claim 55, Vardi et al. teaches a method wherein the availability status is one of in, out, and unknown (See at least column 6, lines 5-20 and 25-35, which discusses the availability status of the user).

42. As per claim 56, Vardi et al. teaches a method further comprising displaying an availability status of the target on the requester system, along with an indication that the requestor has requested a meeting with the target (See at least column 1, lines 50-67, column 6, lines 5-32, column 7, lines 25-30 and 49-67, and column 8, lines 1-6, wherein the availability

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status of the target is displayed on the requester system with an indication that the requestor has requested a meeting).

43. As per claim 57, claim 57 recites similar and equivalent limitations to claim 55, and is therefore rejected using the same art and rationale relied on in the rejection of claim 55.

44. Claims 58-59, 62-65, and 68-69 are rejected under 35 U.S.C. 102(a) as being anticipated by ICQ (www.icq.com).

45. As per claim 58, ICQ teaches a user interface displayed on a target system, comprising:
a display showing an ID of a requesting user who has requested a meeting with the target (See at least pages 5, 9-10, 16-17, 29, 30, and 34-36, which disclose a display showing the ID of the requesting user); and

a display showing the availability status of a requesting user, the availability status sent by the requesting user (See at least pages 5, 9-10, 16-17, 29, 30, and 34-36, which discloses showing the availability status in the display).

46. As per claim 59, ICQ teaches wherein the availability status is one of in, out, and unknown (See at least pages 5, 9-10, 16-17, 29, 30, and 34-36, wherein the availability status is in, out, or unavailable, etc.).

47. As per claim 62, ICQ teaches showing a reason for the requested meeting (See at least pages 5, 9-10, 16-17, 29, 30, and 34-36, wherein the reason is shown, such as the need to discuss tomorrow's presentation).

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48. As per claim 63, ICQ teaches showing additional information about the requesting user (See at least pages 5, 9-10, 16-17, 29, 30, and 34-36, wherein the nickname for the user and the ID are at the least shown. Other personal information can be entered in the system).

49. As per claim 64, ICQ teaches a user interface displayed on a system of an owning user, comprising:

a display showing an ID of a requesting user who has requested a meeting with the owning user and an availability status of the requesting user, the availability status sent by the requesting user (See at least pages 5, 9-10, 16-17, 29, 30, and 34-36, which discloses showing the ID and the availability status of a requester in a display); and

a display showing an ID of a target user with whom the owning user has requested a meeting, the availability status of a requesting user sent by the requesting user (See at least pages 5, 9-10, 16-17, 29, 30, and 34-36).

50. As per claim 65, claim 65 recites similar and equivalent limitations to claim 59, and is therefore rejected using the same art and rationale relied on in the rejection of claim 59.

51. As per claim 68, claim 68 recites similar and equivalent limitations to claim 62, and therefore is rejected using the same art and rationale relied on in the rejection of claim 62.

52. As per claim 69, claim 69 recites similar and equivalent limitations to claim 63, and is therefore rejected using the same art and rationale relied on in the rejection of claim 63.

Claim Rejections - 35 USC § 103

53. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

54. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vardi et al. (U.S. 6,389,127).

55. As per claim 34, Vardi et al. discloses a system wherein each the first server system and the second server system is adapted to receive and record a request for the real time meeting (See column 7, lines 39-48, wherein the request is received and recorded in the software of the target computer). However, Vardi et al. does not expressly disclose the first and second server system being adapted to delete the request for the real time meeting.

It would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the first and second server systems to be able to delete the request for the real time meeting because deleting the original request for real time meeting upon the meeting's rescheduling or upon the conclusion of the event of the meeting is old and well known. One would be motivated to delete a request upon its acceptance because its removal would allow the system to maintain precise and easily readable records about the availability of a target and also minimize the use of memory in the process. By deleting requests directed at a specific target, a requester system polling the availability of said target would be able to easily ascertain its status without having to follow a trail of records.

56. Claims 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vardi et al. (U.S. 6,389,127) in view of Microsoft NetMeeting ("Microsoft NetMeeting 2.0: Overview and Frequently Asked Questions").

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57. As per claims 45-48, Vardi et al. discloses a system wherein the real time meeting is specified as a telephone conferencing, an Internet telephone, or communication devices using CATV as part of the network infrastructure (See column 7, lines 31-38, wherein different types of real time meetings are disclosed). However, Vardi et al. does not expressly disclose a system wherein the real time meeting is specified as a text chat, an online collaboration tool, or a shared application.

Microsoft NetMeeting discloses a wherein the real time meeting is specified as a text chat, an online collaboration tool, or a shared application:

- i. As per claim 45, Microsoft NetMeeting discloses a system wherein the real time meeting is specified as a face-to-face meeting (See pages 1 and 4, wherein Microsoft NetMeeting discusses NetMeeting's ability to hold face-to-face real time meetings/conferences).
- ii. As per claim 46, Microsoft NetMeeting discloses a system wherein the real time meeting is specified as a text chat (See page 5, wherein Microsoft NetMeeting discusses NetMeeting's ability to conduct real time chat sessions).
- iii. As per claim 47, Microsoft NetMeeting teaches a system wherein the real time meeting is an online collaboration tool (See page 5, wherein Microsoft NetMeeting discusses NetMeeting's capability of white boarding and shared clipboards, which allow the parties in the real time meeting to collaborate).
- iv. As per claim 48, Microsoft NetMeeting discloses a system wherein the real time meeting is a shared application (See page 4, which discloses NetMeeting's application sharing capabilities).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a text chat, online collaboration tool, and/or shared applications as additional tools for conducting real time meetings because the incorporation of these old and well known capabilities would have increased the usefulness of the product to potential buyers, thus making the notification system more marketable.

Response to Arguments

58. Applicant's arguments with regard to the § § 102 and 103 rejections based on Vardi et al. (U.S. 6,389,127) and Microsoft NetMeeting ("Microsoft NetMeeting 2.0: Overview and Frequently Asked Questions") have been fully considered but they are not persuasive. In the remarks, the Applicant argues that Vardi et al. does not teach or suggest (1) the requester sending a request to the target as well as the requester sending a status of the requester to the target and (2) that line status is sent by the seeking user to the sought user. Applicant further argues (3) with respect to claim 34 the Examiner's contention that it would have been obvious to one of ordinary skill in the art to modify Vardi et al. to remove meetings from a queue and asks the Examiner to provide support and (4) that Examiner used impermissible hindsight when combining Vardi et al. and Microsoft NetMeeting.

In response to argument (1), the Examiner respectfully disagrees. Vardi et al. discloses a requesting user operating a requester system (i.e. computer/communications terminal on a communications network) and a target user operating a target system (i.e. computer/communications terminal on a communications network). The requester via the requester system and the target via the target system send status information to the servers. Therefore, does teach sending a status of the requester to the target as it is claimed in the

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limitations. For example, claim 1 recites “Sending to the target a request to conduct a real time meeting” and “After sending the request, sending by the requester system an availability status of the requester”. Vardi et al. discloses these limitations in at least column 2, lines 65-67, column 3, lines 1-9, 15-28, and 40-45, column 5, line 67, column 6, lines 1-5, 6-13, and 26-32, column 7, lines 25-30 and 50-59. Examiner points out that the claims require that at some point after the request is sent that the availability status is sent by the system of the requester (i.e. no recitation of how, in what form, at what specific time, etc.). Vardi et al. discusses that the target system would try to begin the meeting after receiving an indication that the requester is available (for example, the phone line is not busy). Claims 5, 13, and 37, for example, further recite how it is the system of the requester that is polled to determine the availability of the requester, as disclosed by Vardi et al. Therefore, Examiner maintains that Vardi et al. does disclose the claimed limitations which require the requester system requesting a real time meeting and then, at some later point, the requester system sending the requester’s availability status.

In response to argument (2), the Examiner respectfully disagrees. Vardi et al. does teach that line status is sent by the seeking user to the sought user, as discussed in response to argument (1).

In response to argument (3), the Examiner would first like to point out that she stated that it would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the first and second server systems to be able to delete the request for the real time meeting, and not that it would have been obvious to modify Vardi et al. to remove meetings from a queue. In fact, nothing in claim 34 or in claim 32 (the claim from which claim 34 depends) discusses removing meetings from a queue. If this feature is important to the invention, the Examiner

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suggests clearly reciting it in the body of claim 32 or 34. Second, Examiner maintains that it would have been obvious to one of ordinary skill in the art at the time of the invention to adapt the first and second server systems to be able to delete the request for the real time meeting because it is old and well known to delete the original request for real time meeting upon the meeting's rescheduling or upon the conclusion of the meeting. Smythe et al. (U.S. 6,418,214) is just one example of a person in the art that deletes a meeting request once the meeting is established. Smythe et al. discloses that upon a meeting being established, the server inspects status of the request in the conference-request table and deletes the request. See at least column 5, lines 20-45, and column 9, lines 35-55. One would be motivated to delete a request upon its acceptance because its removal would allow the system to maintain precise and easily readable records about the availability of a target and also minimize the use of memory in the process. Smythe et al. also discuss this in column 2, lines 30-45, column 3, lines 35-45, and column 7, lines 1-30.

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In response to argument (4), the Examiner respectfully disagrees. It must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Since both Vardi et al. and Microsoft NetMeeting discuss network based conferencing, it would have been obvious to combine the features.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Weber ("Net Interest") teaches discusses business items, such as projects, on-line.

ICQ Press Center ("ICQ for Windows 95") discloses conducting business meetings and conferencing over a network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bvd

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April 14, 2004

[Signature]
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